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SENATE BILL 470

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO UTILITIES; PERMITTING THE ALLOCATION OF RELOCATION COSTS TO TELECOMMUNICATION COMPANY CUSTOMERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. DEFINITIONS--ALLOCATION OF RELOCATION COSTS TO CUSTOMERS--COMMISSION AUDIT.--

A. As used in this section:

(1) "actual costs" includes all capital and non-capital costs incurred to relocate infrastructure or facilities as well as all costs incurred to remove any infrastructure or facilities;

(2) "commission" means the public regulation commission;

(3) "infrastructure or facilities" includes infrastructure or facilities used to provide interstate and

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1 intrastate services, including regulated, unregulated and
2 deregulated services;

3 (4) "political subdivision" means a county;
4 municipality, including a home rule municipality; service
5 authority; school district; local improvement district; law
6 enforcement authority; water district; sanitation district;
7 fire protection district; metropolitan district; irrigation
8 district; drainage district or other special district; or any
9 other kind of municipal, quasi-municipal or public organization
10 organized pursuant to law; and

11 (5) "state" means the state government or a
12 state agency, department or institution, or a state-level
13 authority.

14 B. Notwithstanding any other provision of law,
15 telecommunications companies shall be entitled to recover from
16 their retail customers, without a request for a change in
17 rates, the actual costs incurred for the alteration, change,
18 moving or relocation of infrastructure or facilities requested
19 by the state, a political subdivision or other party. The
20 telecommunications companies shall notify the commission in
21 writing of the imposition of the fee and, if practicable, shall
22 show the fee as a separate line item on its bill.

23 C. Upon petition by an interested party or on its
24 own motion, the commission may conduct an investigation to
25 verify that a fee imposed by a telecommunications company

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1 recovers the actual costs incurred. In such an investigation,
2 the commission shall verify the actual costs that may be
3 recovered from the telecommunications company's retail
4 customers. In the event the commission, based on evidence
5 presented at a duly noticed hearing, finds that a
6 telecommunications company is not recovering its actual costs
7 incurred, the commission shall order modifications or
8 adjustments to a fee imposed pursuant to this section so that
9 the telecommunications company may recover its actual costs.

10 Section 2. APPLICABILITY.--The provisions of this act
11 shall apply to costs incurred after December 31, 2008 to
12 relocate infrastructure or facilities as well as all costs
13 incurred after December 31, 2008 to remove any infrastructure
14 or facilities.

15 Section 3. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2009.